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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,489	10/24/2003	Takeo Taku	KORG.001AUS	1843

7590 07/27/2005  
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EXAMINER

FLETCHER, MARLON T

ART UNIT PAPER NUMBER

2837

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/692,489

Applicant(s)

TAKU ET AL.

Examiner

Marlon T. Fletcher

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 4, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 04/19/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, and 9-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Skubic (6,580,024) in view of Yagi (2003/0140767).

As recited in claim 1, Skubic discloses a music tuner for comprising: a tuner body having a display screen (25) to show a pitch of a sound from the music instrument and a difference from a target sound; a non-contact sensing device (18) that senses sounds from said music instrument through the air; a contact sensing device (19) that senses sounds from the music instrument by physically contacting with the tuning a music instrument, music instrument; and a circuitry (20) to select either said non-contact

sensing device or said contact sensing device for processing the sounds from the music instrument (column 4, lines 10-39).

As recited in claim 3, Skubic discloses a music tuner for tuning a music instrument, wherein said non-contact sensing device is mounted on the tuner body (figure 2), and establishing the music tuner having both said non-contact sensing device and said contact sensing device.

As recited in claim 9, Skubic discloses a music tuner for tuning a music instrument, wherein said circuitry collects time period data of the sound of the music instrument detected by said sensing device, determines a fundamental frequency of the sound based on the collected time period data, and causes to display a difference between the fundamental frequency of the sound and a target sound (abstract; and column 4, lines 10-39).

As recited in claims 11 and 12, Skubic discloses a music tuner for tuning a music instrument, wherein said display screen displays a measured result of the sound from the music instrument either by a normal display mode or a mirror display mode, wherein a lower frequency is displayed at a left side of the display screen and a higher frequency is displayed at a right side of the display screen in said normal display mode (figure 5).

Skubic does not disclose an attachment clip for attaching the music tuner to an object including the music instrument nor a mirror display.

However, as recited in claims 1 and 2, Yagi discloses a music tuner for comprising: a tuner body (figure 5) having a display screen to show a pitch of a sound

from the music instrument and a difference from a target sound; a non-contact sensing device (101, 401) that senses sounds from said music instrument through the air; an attachment clip (102) for attaching the music tuner to an object including the music instrument; and a circuitry (figure 4) to select either said non-contact sensing device or said contact sensing device for processing the sounds from the music instrument; wherein said contact sensing device is mounted on the attachment clip (102).

Yagi (claim 3) discloses a music tuner for tuning a music instrument, wherein said tuner body is detachably connected to the attachment clip having said contact sensing device (figure 1).

Yagi (claim 5) discloses a music tuner for tuning a music instrument, wherein said circuitry selects either said non-contact sensing device or said contact sensing device in response to a manual operation of a switch (24) provided on the music tuner.

Yagi (claim 5) discloses a music tuner for tuning a music instrument, wherein said attachment clip having said contact sensing device is detachable from said tuner body to allow said music tuner to function separately and independently from attachment clip (figures 4 and 5).

Yagi (claim 5) discloses a music tuner for tuning a music instrument, wherein said tuner body is attached to said attachment clip in a manner rotatable in clockwise and counterclockwise directions, and wherein said tuner body is attached to said attachment clip in a manner pivotable in backward and forward directions (figure 1).

As recited in claims 11 and 12, Yagi discloses a music tuner for tuning a music instrument, wherein said display screen displays a measured result of the sound from

Art Unit: 2837

the music instrument either by a normal display mode or a mirror display mode, wherein a lower frequency is displayed at a left side of the display screen and a higher frequency is displayed at a right side of the display screen in said normal display mode (figure 5).

Official Notice is taken with respect to it being well known in the art to provide a display screen that displays a measured result of the sound from the music instrument by a mirror display mode, wherein the mirror provides a reversible view.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Yagi with the apparatus of Skubic, because the teachings provide the ability to clip a contact sensor onto an instrument.

***Allowable Subject Matter***


4. Claims 13-16 are allowed.
5. Claims 4, 7, and 8, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892 form.

Art Unit: 2837

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-W, F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Marlon T. Fletcher  
Primary Examiner  
Art Unit 2837

MTF  
July 25, 2005